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EXAMINER	
CUTLER, ALBERT H	

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2622	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/810,703	KUROSAWA ET AL.	
	Examiner	Art Unit	
	ALBERT H. CUTLER	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 February 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11,13-16,18-21 and 23-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11,13-16,18-21 and 23-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is responsive to communication filed on February 5, 2009. Claims 11, 13-16, 18-21 and 23-27 are pending in the application and have been examined by the Examiner.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 5, 2009 has been entered.

Response to Arguments

3. Applicant's arguments with respect to claims 11, 13-16, 18-21 and 23-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claims 11, 16, 21, 26 and 27 are objected to because of the following informalities: Lack of clarity and precision.

5. The preambles of claims 11, 16, 21, 26 and 27 recite "generating a moving picture file". However, the bodies of claims 11, 16, 21, 26 and 27 have been amended to recite the generation of a plurality of moving picture files. The Examiner recommends amending the preambles of claim 11, 16, 21, 26 and 27 to recite "generating a plurality

of moving picture files", or something of similar nature, to better correspond with the bodies of the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 11, 13, 15, 16, 18, 20, 21, 23 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Taniguchi (US 2003/0093810).

Consider claim 11, Taniguchi teaches:

A method of generating a moving picture file, the method including:

obtaining moving picture data taken by a camera (See figures 11-13. Moving picture data taken by the camera (201, figure 11) is obtained, step 403, figure 12, step 503, figure 13, paragraphs 0105 and 0121.), and information about a kind of a control of the camera corresponding to the moving picture data (Video data parameters (step 501), encoding information (step 502) and other information (steps 504 and 505) about the control of the camera is obtained, paragraphs 0118, 0119, 0122 and 0124.);

determining a time point where the moving picture data is to be divided, based on the information about the kind of the control of the camera obtained at the obtaining

step (The moving picture data is divided into scenes based upon information acquired in steps 504 and 505 (see steps 506-508, paragraphs 0126-0128). Scene metadata is created based upon camera control information such as the number of frames captured and the starting and ending times of the recording of a scene, paragraph 0064. See figures 8A-8C for scene metadata (i.e. information about a kind of camera control). Paragraph 0042 details that the video data is divided based on "reference unit time" (i.e. information about a kind of camera control) during scene division.);

dividing the moving picture data at the time point determined at the determining step (The entire video stream is divided into scenes. See "scene data 1", "scene data 2", etc., figure 2, paragraph 0050.); and

generating a plurality of moving picture files, each including divided moving picture data divided at the dividing step (Partial video data sections (i.e. a plurality of moving picture files) are generated, which partial video data sections include divided moving picture data (i.e. scene data) divided in the dividing step, figure 2, paragraphs 0047-0050.).

Consider claim 13, and as applied to claim 11 above, Taniguchi further teaches that the information about the kind of the control of the camera is information relating to switching of the camera to another camera (See figure 4, paragraph 0061. The partial video metadata includes information as to the camera terminal that each partial video file came from (i.e. information relating to switching of the camera to another camera).).

Consider claim 15, and as applied to claim 11 above, Taniguchi further teaches that the information is information relating to a change amount per unit time (See paragraph 0086. Scenes are divided based upon metadata indicating whether or not there is a moving object present (i.e. information relating to a change amount per unit time).).

Consider claim 16, Taniguchi teaches:

An apparatus for generating a moving picture file (see figures 11-13), comprising:

an obtaining device for obtaining moving picture data taken by a camera (See figures 11-13. Moving picture data taken by the camera (201, figure 11) is obtained, step 403, figure 12, step 503, figure 13, paragraphs 0105 and 0121.), and information about a kind of a control of the camera corresponding to the moving picture data (Video data parameters (step 501), encoding information (step 502) and other information (steps 504 and 505) about the control of the camera is obtained, paragraphs 0118, 0119, 0122 and 0124.);

a determining device for determining a time point where the moving picture data is to be divided, based on the information about the kind of the control of the camera obtained by the obtaining device (The moving picture data is divided into scenes based upon information acquired in steps 504 and 505 (see steps 506-508, paragraphs 0126-0128). Scene metadata is created based upon camera control information such as the number of frames captured and the starting and ending times of the recording of a scene, paragraph 0064. See figures 8A-8C for scene metadata (i.e. information about a

kind of camera control). Paragraph 0042 details that the video data is divided based on "reference unit time" (i.e. information about a kind of camera control) during scene division.);

a dividing device for dividing the moving picture data at the time point determined by the determining device (The entire video stream is divided into scenes. See "scene data 1", "scene data 2", etc., figure 2, paragraph 0050.); and

a generating device for generating a plurality of moving picture files, each including divided moving picture data divided by the dividing device (Partial video data sections (i.e. a plurality of moving picture files) are generated, which partial video data sections include divided moving picture data (i.e. scene data) divided in the dividing step, figure 2, paragraphs 0047-0050.).

Consider claim 18, and as applied to claim 16 above, Taniguchi further teaches that the information about the kind of the control of the camera is information relating to switching of the camera to another camera (See figure 4, paragraph 0061. The partial video metadata includes information as to the camera terminal that each partial video file came from (i.e. information relating to switching of the camera to another camera).).

Consider claim 20, and as applied to claim 16 above, Taniguchi further teaches that the information is information relating to a change amount per unit time (See paragraph 0086. Scenes are divided based upon metadata indicating whether or not

there is a moving object present (i.e. information relating to a change amount per unit time).).

Consider claim 21, Taniguchi teaches that the generating of the moving picture file is done via an installed program (paragraphs 0033, 0034 and 0099). The rest of claim 21 is the same as the method of claim 11 and is thus rejected under the same rationale (see claim 11 above).

Consider claim 23, and as applied to claim 21 above, Taniguchi further teaches that the information about the kind of the control of the camera is information relating to switching of the camera to another camera (See figure 4, paragraph 0061. The partial video metadata includes information as to the camera terminal that each partial video file came from (i.e. information relating to switching of the camera to another camera).).

Consider claim 25, and as applied to claim 21 above, Taniguchi further teaches that the information is information relating to a change amount per unit time (See paragraph 0086. Scenes are divided based upon metadata indicating whether or not there is a moving object present (i.e. information relating to a change amount per unit time).).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 14, 19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taniguchi (US 2003/0093810) in view of Igarashi et al. (US 6,469,737).

Consider claim 14, and as applied to claim 11 above, Taniguchi teaches of obtaining metadata about the kind of control of a camera (see claim 11 rationale), but does not explicitly teach that said metadata is information indicating that one of pan, tilt and zoom of the camera is being processed.

Igarashi et al. similarly teaches a method of generating a moving picture file (See figures 3 and 6) including obtaining moving picture data taken by a camera, and information about a kind of a control of the camera corresponding to the moving picture data (See figures 3 and 6, column 4, lines 1-15, column 9, lines 49-59, column 11, line

23 through column 14, line 21. Picture data, which data can be "mpg" format, is obtained by a camera configuration along with information relating to the camera about the kind of control of the camera (See P25T0Z3, figure 3).), determining a time point where the moving picture data is to be divided, based on the information about the kind of the control of the camera obtained at the obtaining step (See figure 6, column 10, lines 33-36, column 11, lines 24-57. A time point (i.e. image-sensing time) and a time interval can be designated for determining where the moving picture data is divided based upon the control information.), dividing the moving picture data at the time point determined at the determining step, and generating a moving picture file from the divided moving picture data divided at the dividing step (See column 11, lines 23-57. Moving picture data is divided based upon the above-mentioned information, and such moving picture data is transmitted to a requesting external device as a file.).

However, in addition to the teachings of Taniguchi, Igarashi et al. teaches that said information indicates that that one of pan, tilt and zoom of the camera is being processed (See column 11, lines 23-33. Moving image data is captured and recorded according to a reservation command containing the pan, tilt and zoom of the camera ("P25T0Z3"). See also column 4, lines 3-15.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the information taught by Taniguchi be information indicating one of pan, tilt and zoom as taught by Igarashi et al. for the benefit of increasing the amount of usable metadata, which metadata includes information relating

the camera orientation to a scene captured at a remote location (Igarashi et al., column 1, lines 28-32).

Consider claim 19, and as applied to claim 16 above, Taniguchi teaches of obtaining metadata about the kind of control of a camera (see claim 11 rationale), but does not explicitly teach that said metadata is information indicating that one of pan, tilt and zoom of the camera is being processed.

Igarashi et al. similarly teaches a method of generating a moving picture file (See figures 3 and 6) including obtaining moving picture data taken by a camera, and information about a kind of a control of the camera corresponding to the moving picture data (See figures 3 and 6, column 4, lines 1-15, column 9, lines 49-59, column 11, line 23 through column 14, line 21. Picture data, which data can be "mpg" format, is obtained by a camera configuration along with information relating to the camera about the kind of control of the camera (See P25T0Z3, figure 3).), determining a time point where the moving picture data is to be divided, based on the information about the kind of the control of the camera obtained at the obtaining step (See figure 6, column 10, lines 33-36, column 11, lines 24-57. A time point (i.e. image-sensing time) and a time interval can be designated for determining where the moving picture data is divided based upon the control information.), dividing the moving picture data at the time point determined at the determining step, and generating a moving picture file from the divided moving picture data divided at the dividing step (See column 11, lines 23-57.

Moving picture data is divided based upon the above-mentioned information, and such moving picture data is transmitted to a requesting external device as a file.).

However, in addition to the teachings of Taniguchi, Igarashi et al. teaches that said information indicates that that one of pan, tilt and zoom of the camera is being processed (See column 11, lines 23-33. Moving image data is captured and recorded according to a reservation command containing the pan, tilt and zoom of the camera ("P25T0Z3"). See also column 4, lines 3-15.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the information taught by Taniguchi be information indicating one of pan, tilt and zoom as taught by Igarashi et al. for the benefit of increasing the amount of usable metadata, which metadata includes information relating the camera orientation to a scene captured at a remote location (Igarashi et al., column 1, lines 28-32).

Consider claim 24, and as applied to claim 21 above, Taniguchi teaches of obtaining metadata about the kind of control of a camera (see claim 11 rationale), but does not explicitly teach that said metadata is information indicating that one of pan, tilt and zoom of the camera is being processed.

Igarashi et al. similarly teaches a method of generating a moving picture file (See figures 3 and 6) including obtaining moving picture data taken by a camera, and information about a kind of a control of the camera corresponding to the moving picture data (See figures 3 and 6, column 4, lines 1-15, column 9, lines 49-59, column 11, line

23 through column 14, line 21. Picture data, which data can be "mpg" format, is obtained by a camera configuration along with information relating to the camera about the kind of control of the camera (See P25T0Z3, figure 3).), determining a time point where the moving picture data is to be divided, based on the information about the kind of the control of the camera obtained at the obtaining step (See figure 6, column 10, lines 33-36, column 11, lines 24-57. A time point (i.e. image-sensing time) and a time interval can be designated for determining where the moving picture data is divided based upon the control information.), dividing the moving picture data at the time point determined at the determining step, and generating a moving picture file from the divided moving picture data divided at the dividing step (See column 11, lines 23-57. Moving picture data is divided based upon the above-mentioned information, and such moving picture data is transmitted to a requesting external device as a file.).

However, in addition to the teachings of Taniguchi, Igarashi et al. teaches that said information indicates that that one of pan, tilt and zoom of the camera is being processed (See column 11, lines 23-33. Moving image data is captured and recorded according to a reservation command containing the pan, tilt and zoom of the camera ("P25T0Z3"). See also column 4, lines 3-15.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the information taught by Taniguchi be information indicating one of pan, tilt and zoom as taught by Igarashi et al. for the benefit of increasing the amount of usable metadata, which metadata includes information relating

the camera orientation to a scene captured at a remote location (Igarashi et al., column 1, lines 28-32).

11. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oya et al. (US 6,208,379) in view of Choi (US 5,986,695) and Winter et al. (US 5,996,023).

Consider claim 26, Oya et al. teaches:

A method of generating a moving picture file (figure 35, column 17, line 21 through column 19, line 23), the method including:

obtaining moving picture data taken by a camera (S104), and information indicating that a display of the moving picture data is prohibited (S101);

determining a point where the moving picture data is to be divided, based on the information obtained at the obtaining step, the information indicating that the display of the moving picture data is prohibited (See figures 34-42, "display-not-permitted range");

dividing the moving picture data at the point determined at the determining step (See figures 34, 39 and 40-42); and

generating a moving picture file from the divided moving picture data divided at the dividing step (column 17, line 67 through column 18, line 11).

Oya et al. teaches that the display-not-permitted range changes over time because the camera pans (column 17, lines 21-32).

However, Oya et al. does not explicitly teach dividing a moving picture and generating a moving picture file based on a time point of a display-not-permitted range.

Choi similarly teaches of a surveillance system (column 1, lines 16-21). Choi teaches that images obtained from cameras in the surveillance system can be recorded on a disk (column 3, lines 20-28).

However, Choi teaches that captured images are overwritten when captured at time points wherein the current scene viewed by the camera produces unnecessary image data (column 6, lines 18-37). That is, Choi teaches that the image file is divided to only include necessary image data, which image data is captured based upon a determined time point.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to divide the moving image file containing information indicating that the display of moving picture data is prohibited taught by Oya et al. based on a time point as taught by Choi for the benefit of conserving space in memory while still capturing useful image data (Choi, column 6, lines 33-37).

However, the combination of Oya et al. and Choi does not explicitly teach that a plurality of moving picture files is created.

Winter et al. similarly teaches of a video surveillance system (see column 1, lines 17-25). Like Choi, Winter et al. teaches that unnecessary captured images are overwritten (See figure 6, column 8, lines 14-37. A ring buffer is used to hold captured video of a predetermined time length. If no alarm has occurred by the end of the ring buffer, then the ring buffer is overwritten with new video data.).

However, in addition to the teachings of Oya et al. and Choi, Winter et al. teaches that a plurality of moving picture files (104) is created (See figure 4, column 5, lines 18-35. A continuous video stream is broken up into a plurality of fixed length video files (104).).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to divide the moving picture data taught by Oya et al. and Choi into a plurality of moving picture files as taught by Winter et al. for the benefit of limiting data loss due to a drop out or data corruption on a hard disk (Winter et al., column 5, lines 32-35).

Consider claim 27, Oya et al. teaches:

A computer readable medium which stores a program (column 20, lines 25-28) for executing a method of generating a moving picture file (figure 35, column 17, line 21 through column 19, line 23), the method including:

obtaining moving picture data taken by a camera (S104), and information indicating that a display of the moving picture data is prohibited (S101);

determining a point where the moving picture data is to be divided, based on the information obtained at the obtaining step, the information indicating that the display of the moving picture data is prohibited (See figures 34-42, "display-not-permitted range");

dividing the moving picture data at the point determined at the determining step (See figures 34, 39 and 40-42); and

generating a moving picture file from the divided moving picture data divided at the dividing step (column 17, line 67 through column 18, line 11).

Oya et al. teach that the display-not-permitted range changes over time because the camera pans (column 17, lines 21-32).

However, Oya et al. do not explicitly teach dividing a moving picture and generating a moving picture file based on a time point of a display-not-permitted range.

Choi similarly teaches of a surveillance system (column 1, lines 16-21). Choi teaches that images obtained from cameras in the surveillance system can be recorded on a disk (column 3, lines 20-28).

However, Choi teaches that captured images are overwritten when captured at time points wherein the current scene viewed by the camera produces unnecessary image data (column 6, lines 18-37). That is, Choi teaches that the image file is divided to only include necessary image data, which image data is captured based upon a determined time point.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to divide the moving image file containing information indicating that the display of moving picture data is prohibited taught by Oya et al. based on a time point as taught by Choi for the benefit of conserving space in memory while still capturing useful image data (Choi, column 6, lines 33-37).

However, the combination of Oya et al. and Choi does not explicitly teach that a plurality of moving picture files is created.

Winter et al. similarly teaches of a video surveillance system (see column 1, lines 17-25). Like Choi, Winter et al. teaches that unnecessary captured images are overwritten (See figure 6, column 8, lines 14-37. A ring buffer is used to hold captured video of a predetermined time length. If no alarm has occurred by the end of the ring buffer, then the ring buffer is overwritten with new video data.).

However, in addition to the teachings of Oya et al. and Choi, Winter et al. teaches that a plurality of moving picture files (104) is created (See figure 4, column 5, lines 18-35. A continuous video stream is broken up into a plurality of fixed length video files (104).).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to divide the moving picture data taught by Oya et al. and Choi into a plurality of moving picture files as taught by Winter et al. for the benefit of limiting data loss due to a drop out or data corruption on a hard disk (Winter et al., column 5, lines 32-35).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALBERT H. CUTLER whose telephone number is (571)270-1460. The examiner can normally be reached on Mon-Thu (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC
/Yogesh K Aggarwal/
Primary Examiner, Art Unit 2622